

REMARKS

Office action summary

Claims 1-30 are pending in the present application. Claims 1, 8, 12, 17, 24, and 28-30 are presently amended. No claims are presently added or canceled. The following rejections were made in the office action of November 12, 2009 (“Office Action”):

- Claims 1-3, 7-8, 11-12, 16-19, 23-24, and 27-30 were rejected under 35 USC § 103(a) as being unpatentable over Shimizu, US Patent 5,049,911 (“Shimizu”), in view of Whiteside, US Patent Application Publication 2001/0031142 (“Whiteside”).
- Claims 4-5, 9-10, 13-15, 20-21, and 25-26 were rejected under 35 USC § 103(a) as being unpatentable over Shimizu, in view of Whiteside, and further in view of Farrington, US Patent 4,941,011 (“Farrington”).
- Claims 6 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Shimizu, in view of Whiteside, and further in view of Omura, US Patent 5,943,515 (“Omura”).

The amendments and rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants’ undersigned attorney, Jon M. Isaacson, at **206-332-1102**.

Telephonic interview

On January 11, 2010, applicants’ undersigned attorney, Examiner Salem, and Examiner Whipkey conducted a telephonic interview. Applicants’ undersigned attorney would like to thank the examiners for granting the interview. During the interview, applicants’ proposed amendments were discussed. However, the presently-filed formal amendments differ from those proposed amendments which were discussed in the interview. Any further substance of the interview is incorporated into the remarks below.

Claim amendments

Without conceding the propriety of the rejections in the Office Action, in an effort to advance prosecution of the present case, applicants presently amend claims 1, 8, 12, 17, 24, and 28-30. No new matter is added. The patentability of the pending claims is discussed below.

Rejections under 35 USC § 103(a)

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over Shimizu in view of Whiteside. As presently amended, claim 1 recites:

a photocell adapted for sensing a level of light energy...; [and]
an exposure control system...adapted to:

integrate the level of light energy sensed during image capture,

illuminate said flash unit during said image capture responsive to the integrated level of light energy reaching a first predetermined level, and

extinguish said flash unit and close said scanning aperture shutter unit responsive to the integrated level of light energy reaching a second predetermined level.

Applicants respectfully submit that Shimizu and Whitehead, individually and in combination, fail to teach or suggest (1) an exposure unit adapted to “integrate the level of light energy sensed during image capture,” and (2) an exposure unit adapted to do something “responsive to the integrated level of light energy reaching a first predetermined level” or “responsive to the integrated level of light energy reaching a second predetermined level.” Further, as these recitations were not included in claim 1 at the time of its mailing, the Office Action does not cite to any portion of the cited art as teaching or suggesting these recitations of claim 1. Accordingly, applicants respectfully submit that claim 1 is patentably defined over the cited art, and applicants request withdrawal of the rejection of claim 1 under 35 USC § 103(a).

Independent *claims 8, 12, 17, 24, and 28-30* contain recitations similar to those recitations of claim 1 discussed above. For at least the reasons discussed above regarding the patentability of claim 1, applicants submit that claims 8, 12, 17, 24, and 28-30 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 8, 12, 17, 24, and 28-30 under 35 USC § 103(a).

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Claims 2-7, 9-11, 13-16, 18-23, and 25-27 depend, directly or indirectly, from claims 1, 8, 12, 17, and 24. Inasmuch as claims 2-7, 9-11, 13-16, 18-23, and 25-27 depend from independent claims which are patentably defined over the cited art, applicants submit that claims 2-7, 9-11, 13-16, 18-23, and 25-27 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 2-7, 9-11, 13-16, 18-23, and 25-27 under 35 USC § 103(a).

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 1-30 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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